

REMARKS

Claims 29-57 were examined by the Office, and all claims are rejected. With this response claims 29-35, 39-41, 43-46, 49 and 55-57 are amended, no claims are added or cancelled.

Applicant acknowledges that the claims are being amended after a final rejection, but respectfully submits that the amendments to the claims are made to correct antecedent basis problems and other formal matters. Therefore, applicant respectfully submits that the amendments to the claims will not require any additional search or substantive examination by the Office. As such, applicant respectfully requests entry and consideration of the amendments.

Claim Rejections Under § 112

In section 5, on page 2 of the Office Action, claims 29-57 are rejected under 35 U.S.C. § 112, second paragraph as indefinite. Applicant respectfully submits that the claims are amended in a manner which particularly points out and distinctly claims the invention.

Regarding the rejection of claims 29 and 35 on page 2 of the Office Action, claim 29 is amended to recite "a first cluster," "a second cluster," and "a cluster in question." Therefore, applicant respectfully submits that claim 29 as amended is definite. Claim 35 is amended to also recite "the cluster in question," and therefore it is respectfully submitted that the antecedent basis problems identified with respect to claim 35 are overcome by the amendment to claim 35.

Regarding the rejection of claims 43 and 56 on page 2 of the Office Action, claims 43 and 56 are amended to recite "a first cluster," "a second cluster," and "a cluster in question." Therefore, applicant respectfully submits that claims 43 and 56 as amended are definite.

Regarding the rejection of claim 34 on page 2 of the Office Action, claim 34 is amended to recite "a next entry," and therefore applicant respectfully submits that there is sufficient antecedent basis for this limitation, and as such claim 34 as amended is definite.

Regarding the rejection of claim 41 on page 2 of the Office Action, claim 41 is amended to recite "the location of the terminal containing the media items," and therefore applicant respectfully submits that there is sufficient antecedent basis for this limitation because the limitation refers to the location of a terminal as recited in claim 37 from which claim 41 depends. It is inherent that a terminal has a location, and therefore claim 37 is also definite. See MPEP § 2173.05(e) (inherent components of elements recited have antecedent basis in the recitation of the components themselves).

Regarding the rejection of claim 48 on page 3 of the Office action, claim 48 is amended to recite "a first entry" and "a next entry." Therefore, applicant respectfully submits that there is sufficient antecedent basis for these limitations, and as such claim 48 as amended is definite.

In section 6, on page 3 of the Office Action, claims 29-57 are rejected under 35 U.S.C. § 112, second paragraph as indefinite. Applicant respectfully submits that claims 29-57 are definite due to the amendments to independent claims 29, 43, 55 and 56. Claims 29, 43, 55 and 56 are amended to replace "possible" with "any," which clearly refers to any sub-clusters formed within a cluster in question when the media items have further descriptive information in common.

Any claim not specifically addressed is believed to be definite due at least to the amendments discussed above.

Conclusion

Applicant respectfully submits that the application is in condition for allowable and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge any fee deficiency required to submit this response to deposit account 23-0442.

Respectfully submitted,

Dated: 13 December 2011

Keith R. Obert

Keith R. Obert
Attorney for Applicant
Reg. No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955